

CITY OF MELBOURNE

Council Meeting

Minutes

**Meeting Number 28
Tuesday 25 November 2014
5.30pm**

**Council Chambers
Level 2
Melbourne Town Hall**

Present

Lord Mayor, Robert Doyle
Deputy Lord Mayor, Susan Riley
Councillor Richard Foster
Councillor Rohan Leppert
Councillor Kevin Louey
Councillor Stephen Mayne
Councillor Ken Ong
Councillor Cathy Oke
Councillor Beverley Pinder-Mortimer
Councillor Arron Wood

Apology

Councillor Jackie Watts

Confirmed at the meeting of the Council meeting
on Tuesday 16 December 2014

1. Commencement of meeting and apologies

The meeting commenced at 5.30pm.

The Chair, Lord Mayor, Robert Doyle, advised that:

- the meeting was being recorded and the audio would be made available on the City of Melbourne website before close of business tomorrow
- the agenda comprised three reports from Committee and 15 reports from management, five of which were confidential
- an apology had been received from Councillor Watts.

2. Disclosures of conflicts of interest

The Chair, Lord Mayor, Robert Doyle, advised that conflicts of interest would be disclosed as they arose.

3. Confirmation of minutes of the previous meeting

Moved: Cr Foster

That the minutes of meeting No 27, held on Tuesday 28 October 2014 be confirmed.

Seconded: Cr Ong

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer and Wood.

4. Matters arising from the minutes of the previous meeting

There were no matters arising from the minutes of the previous meeting.

Submissions/correspondence

The Chair, Lord Mayor, Robert Doyle, advised that as at 3pm the following submissions had been received in accordance with the Council's *Conduct of Meetings Local Law 2010*, in relation to **Agenda item 6.4, 'Creating New Open Space and Road Discontinuance in Kensington'**:

Items of correspondence:

- Matthew Burke, resident
- Katharine Dally, resident
- Anna Dare, resident
- Tony Dare, resident
- Leonie Dodd, resident
- Enid Hookey, resident
- Mark and Lisa Evans, residents
- Kerrie Gilbert, resident
- Stephen Gray, resident
- Roger Groppi, resident
- Edwina Kayser, resident
- Monika Lueckenhausen, resident
- Mary McQuilten, resident
- Jenni Niggli, resident
- Robert Niggli, resident
- Carmel O'Keeffe, resident
- Melissa Opie, resident
- Fiona Parkinson, resident
- Gerald Pinto, resident
- Ian Young, resident.

Status of confidential items

No Councillor wanted to discuss the confidential status of the confidential items 6.11.1 and 6.11.2.

5. Reports from Committee

There were three reports from Committee for consideration in the open session.

5.1 People's Panel recommendations on the 10 Year Financial Plan

The purpose of this report was to seek a formal response to each of the recommendations contained in the People's Panel Report.

Moved: Cr Mayne

1. *That Council:*
 - 1.1. *Formally acknowledges the considered recommendations of the People's Panel.*
 - 1.2. *Requests management to:*
 - 1.2.1. *Analyse and model the People's Panel's recommendations 1 to 7 and 9 to 11 in drafting the 10 Year Financial Plan*
 - 1.2.2. *Incorporate the People's Panel's report as a whole into the draft 10 Year Financial Plan as a key reference document, along with an explanation as to how, and the extent to which, each recommendation has been acted upon.*
 - 1.3. *Notes that the post-election timeframe is ideal to pursue the advocacy on issues identified in the People's Panel's recommendation 8, and requests management to assist Councillors in developing a plan at the 2 December Councillor Forum to pursue these matters.*
 - 1.4. *Directs that the draft 10 Year Financial Plan be considered by Council by April 2015, prior to the release of the 2015-16 draft budget for statutory consultation in May, before final adoption in June.*
 - 1.5. *Requests management to meet with Councillors in February 2015 to consider the early draft of the 10 Year Financial Plan and the analysis and modelling referred to above.*

Seconded: Cr Leppert

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer and Wood.

5.2 Planning Scheme Amendment C212 – Exceptional Tree Register

The purpose of this report was to advise Council of the recommendations of the Panel appointed by the Minister for Planning for Melbourne Planning Scheme Amendment C212 Exceptional Tree Register and to present the revisions made to the amendment in response to the Panel's recommendations.

Moved: Cr Ong

1. *That Council:*

- 1.1. *Adopts Melbourne Planning Scheme Amendment C212 Exceptional Tree Register at Attachment 4 of the report from Committee, pursuant to section 29 of the Planning and Environment Act 1987.*
- 1.2. *Submits Melbourne Planning Scheme Amendment C212 to the Minister for Planning for approval.*

Seconded: Cr Wood

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer and Wood.

5.3 Planning Scheme Amendment C215 – Kensington Heritage Review

The purpose of this report was to seek adoption of the final version of Amendment C215 based on the recommendations of the Panel appointed by the Minister for Planning.

Cr Oke declared an indirect conflict of interest in this matter because of an impact on residential amenity under Section 78E of the *Local Government Act 1989*. Cr Oke owns and lives in a property listed in the review. Cr Oke left the meeting at 5.46pm, prior to any discussion taking place.

Moved: Cr Ong

1. *That Council:*

- 1.1. *Adopts Melbourne Planning Scheme Amendment C215-Kensington Heritage Review at Attachment 4 of the report from Committee, pursuant to Section 29 of the Planning and Environment Act 1987.*
- 1.2. *Submits Melbourne Planning Scheme Amendment C215-Kensington Heritage Review to the Minister for Planning for approval.*

Seconded: Cr Leppert

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Ong, Pinder-Mortimer and Wood.

Cr Oke returned to the meeting at 5.48pm, after the vote was taken.

6 Reports from management

There were ten reports from management for consideration in the open session.

6.1 Record of Assemblies of Councillors

The purpose of this report was to present the most recent written records of assemblies of Councillors for Council to note.

Moved: Cr Wood

1. *That Council:*

- 1.1. *notes the written records of the assemblies of Councillors as detailed in Attachment 2 of the report from management*
- 1.2. *notes that the record of assembly for Councillor Forum held on 21 October 2014, will be amended by replacing reference to the AFL with the VRC.*

Seconded: Cr Ong

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer and Wood.

6.2 Proposed MCC Chair in Climate Resilient Cities

The purpose of this report was to consider a proposal by the Vice-Chancellor of the University of Melbourne that the Council and the University jointly sponsor a five-year professional appointment call MCC Chair in Climate Resilient Cities.

Cr Wood declared an indirect conflict of interest in this matter because of a conflicting duty under Section 78B of the *Local Government Act 1989*. Cr Wood is a member of the Melbourne Sustainable Society Institute Advisory Board at the University of Melbourne. Cr Wood left the meeting at 5.49pm, prior to any discussion taking place.

Moved: Lord Mayor, Robert Doyle

1. *That Council defers consideration of this item and requests management to:*
 - 1.1. *explore opportunities for private funding to offset the financial commitment required by Council*
 - 1.2. *report back to Council in April 2015 detailing:*
 - 1.2.1. *any identified private funding opportunities*
 - 1.2.2. *terms and conditions of the proposed sponsorship agreement with the University of Melbourne*
 - 1.2.3. *governance arrangements for the agreement with the University of Melbourne.*

Seconded: Cr Mayne

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong and Pinder-Mortimer.

Cr Wood returned to the meeting at 5.54pm, after the vote was taken.

6.3 2014–15 Council Works Program first quarter report

This purpose of this report was to inform the Council of the financial performance of the 2014–15 Council Works Program at the end of the first quarter of the financial year.

Moved: Lord Mayor, Robert Doyle

1. *That Council:*
 - 1.1. *notes the 2014–15 Council Works Program first quarter report*
 - 1.2. *approves the program adjustments to the 2014–15 Council Works Program that are included in Attachment 4 of the report from management.*

Seconded: Cr Mayne

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer and Wood.

6.4 Creating New Public Open Space and Road Discontinuance in Kensington

The purpose of this report was to advise Council of submissions received in response to two matters pertaining to the proposed creation of new public open space in Kensington.

Cr Oke declared an indirect conflict of interest in this matter because of an impact on residential amenity under Section 78E of the *Local Government Act 1989*. Cr Oke lives in the street affected by the proposal. Cr Oke left the meeting at 6pm, prior to any discussion taking place.

Moved: Cr Leppert

1. *That Council:*

- 1.1. *Approves the discontinuance of portions of road on Crown land in Eastwood Street and Rankins Road, Kensington, in accordance with the recommendation of the Submissions (Section 223) Committee who, having considered all written submissions in relation to the proposal and heard all persons wishing to be heard in support of their submissions, recommended that Council discontinues portions of Eastwood Street and Rankins Road, Kensington, as shown hatched on the public notice dated 4 September 2014, for the reason that:*
 - 1.1.1. *the City of Melbourne Open Space Strategy has identified the need to improve the provision of open space in Kensington and the discontinuance will enable the creation of new public open space to assist in meeting that need*
 - 1.1.2. *there will be no net loss in car parking as a result of the discontinuance*
 - 1.1.3. *the open space will enable a net increase in tree canopy cover*
 - 1.1.4. *the majority of submissions in opposition to the road discontinuance proposal are in respect to the separate proposal to have a full time right turn ban for vehicles turning from Macaulay Road into Rankins Road (right turn ban).*
- 1.2. *Requests that every person who has lodged a separate submission be notified of the decision and reasons for the decision in writing.*
- 1.3. *Notes the full time right turn ban turning from Macaulay Road into Rankins Road endorsed by the Future Melbourne Committee on 10 June 2014, and directs that the traffic impacts of this ban be reviewed 12 months post implementation.*

Seconded: Cr Ong

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Ong, Pinder-Mortimer and Wood.

Cr Oke returned to the meeting at 6.05pm, after the vote was taken.

6.5 Pathway Maintenance and Support contract: No 3515

The purpose of this report was to award a tender for the provision of support and maintenance for the Pathway application for five years.

Moved: Cr Mayne

That Council awards the contract for the provision of Pathway Maintenance and Support to INFOR Global Solutions (ANZ) Pty Ltd for a term of five years commencing 1 January 2015 for a total contract price of \$1,976,995.54.

Seconded: Cr Leppert

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer and Wood.

6.6 Open Data Policy, Principles and Recommendations

The purpose of this report was to address Council Plan 2013–14 action 4.2.1, to develop an open data policy.

Moved: Cr Mayne

That Council endorses an 'open by default' policy position and the Open Data Principles contained in Attachment 2 of the report from management, and authorises the Director Corporate Business to make any further minor editorial changes to the Open Data Principles and Open Data Recommendations Report prior to publication.

Seconded: Cr Foster

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer and Wood.

6.7 Open Data, Corporate and Community Contract No: 3518

The purpose of this report was to award a tender for the provision of external facing open data platform and hosting services for two years with three one year extension options.

Moved: Cr Wood

That Council awards the contract for the provision of a community facing open data platform to Socrata Inc for a term of two years commencing 28 December 2014 with options to extend the contract term by up to a further three, one year periods for an annual contract sum of \$44,600 and otherwise in accordance with the negotiated terms and conditions of contract.

Seconded: Cr Pinder-Mortimer

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer and Wood.

6.8 Plan for review of portfolio Chairs and Deputy Chairs

The purpose of this report was to propose a revised timeframe for the review of portfolio Chairs and Deputy Chairs.

Moved: Lord Mayor, Robert Doyle

That Council defers its review of the portfolio Chairs and Deputy Chairs until March 2015.

Seconded: Cr Wood

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer and Wood.

6.9 Collins Street, Melbourne Proposed platform tram stops extending across Gurners Lane

The purpose of this report was to provide Council with a report on further consultation to be undertaken by management and Yarra Trams with businesses affected by the proposed tram stop in Collins Street, between William and Market Streets, and the associated partial road closure of Gurners Lane.

Moved: Lord Mayor, Robert Doyle

That Council further defer the matter of the partial road closure of Gurners Lane to the February 2015 Council meeting.

Seconded: Cr Ong

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer and Wood.

6.10 East West Link Project – Compensation Issues

The purpose of this report was to provide Council with advice on the likelihood of a successful claim through court proceedings initiated by the City of Melbourne against the Victorian Government for appropriate compensation for the impact of the East West Link project on infrastructure within the municipality.

Moved: Cr Foster

That Council notes the report from Management.

Seconded: Cr Mayne

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer and Wood.

7. General business

The Council acknowledged that this was the last Council meeting the Chief Executive Officer, Dr Kathy Alexander, would attend before her departure on 3 December 2014. The Council thanked Dr Alexander for her guidance and support during her term as Chief Executive Officer at the City of Melbourne.

8. Urgent business

There were no items of Urgent business for consideration in the open session.

9. Closure of meeting

Moved: Cr Wood

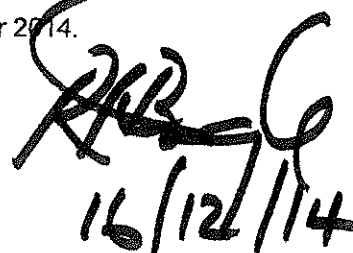
That pursuant to section 89(2)(h) of the Local Government Act 1989, the meeting of the Council be closed to members of the public for the consideration of the reports under categories 6.11.1 and 6.11.2, because they contain information relating to matters the Council considers would prejudice the Council or any person.

Seconded: Deputy Lord Mayor, Susan Riley

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Robert Doyle, Deputy Lord Mayor, Susan Riley, Councillors Foster, Leppert, Louey, Mayne, Oke, Ong, Pinder-Mortimer and Wood.

The Chair, Lord Mayor, Robert Doyle, declared the open meeting closed at 6:26pm.

Confirmed at the Council meeting on Tuesday 16 December 2014.



A handwritten signature in black ink, appearing to be 'ARL', with the date '16/12/14' written below it.

Chair
Council